

REMARKS

Claims 1-13 are now in this application. Claims 1-4 are rejected. Claims 5-10 are objected to. Claims 1-10 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues. New claims 11-13 are added.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

Claims 5-10 are objected to under 37 CFR §1.75(c) as being in improper multiple dependent form as depending from other multiple dependent claims. Accordingly, the Office Action indicates that the claims have not been further treated on the merits. The Examiner was contacted by applicants' counsel on December 8, 2003, in order to bring to the Examiner's attention the fact that a preliminary amendment, in which these multiple dependencies present in the originally filed claims were removed, was filed on July 29, 2002, and later additionally faxed to the Patent Office on December 11, 2002. The Examiner informed applicants' counsel that while the Preliminary Amendment was in the record, it was not considered in issuance of the Office Action. Consequently, the Examiner indicated that the next Office Action would not be made final.

Claims 1 and 3 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter

of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 1 and 3 and their allowance are earnestly requested.

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Morgan et al. (US 5,040,362). Applicants herein respectfully traverse these rejections.

For a rejection to be sustained under §102(b) each and every element of the claimed invention must be disclosed in the cited prior art reference. It is respectfully submitted that the cited reference fails to disclose at least the following features and elements of the present invention as noted herein.

Independent claim 1 recites in pertinent part the following:

. . . an extent of each of the plurality of chain elements of the link chain as measured in a revolving direction of the link chain corresponding approximately to a whole number divider of the standard distance between rows.

Applicants respectfully submit that the cited Morgan et al. reference is silent regarding any relationship whatsoever between an extent of a chain element as

measured in a revolving direction of the link chain (i.e. the width dimension thereof) and a standard distance between rows present in a standardized planting of a stalked crop. Therefore, the reference could not possibly provide teaching or suggestion for the claimed feature which recites that dimensioning of the extent corresponds approximately to a whole number divider of the standard distance between rows.

Independent claim 3 recites in pertinent part the following:

. . . each of said chain elements defining a uniform function body including at least one of outwardly pointing cutting means and holding means for holding cut stalks of the stalked crops provided as an integral part of said uniform function body.

A uniform body, as disclosed in the specification, defines a uniform, integrated construction for each claim element, such that each of these bodies contain cutting and/or holding means. Such construction, as explained in the disclosure, allows the elements to be exchanged easily and permits the length of the link chain to be altered simply (See the paragraph bridging pages 6 and 7 of the specification). Applicants respectfully submit that no such structural configuration is taught or suggested by Morgan et al..

Claims 1 and 3 each particularly describes and distinctly claim elements not disclosed in the cited reference, and do claim 2 and 3 dependent from a respective one thereof. Therefore, reconsideration of the rejections of claims 1-4 and their allowance are respectfully requested.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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